No. 86A
Originating summons – judicial review
(O. 53 r. 5)

HCAL 1077/2018

IN THE HIGH COURT OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION
COURT OF FIRST INSTANCE
CONSTITUTIONAL AND ADMINISTRATIVE LAW LIST
NO 1077 OF 2018

BETWEEN

MK	Applicant
and	
GOVERNMENT OF HKSAR	Respondent
and	
RAINBOW ACTION (彩虹行動)	Interested Party

ORIGINATING SUMMONS

Pursuant to the leave granted by the Honourable Mr Justice Chow on the 13th day of June 2018, let all parties concerned appear before the Honourable Mr Justice Chow on the day of at in the noon, on the hearing of an application by the Applicant for the following relief, namely:

1. A declaration that the laws of Hong Kong (including the Marriage Ordinance, Cap 181), in so far as they do not allow same-sex couples to

marry and fail to provide any alternative means of legal recognition of same-sex partnerships (such as civil unions or registered partnerships), constitute a violation of Article 14 of the Hong Kong Bill of Rights; and/or

2. A declaration that the laws of Hong Kong (including the Marriage Ordinance, Cap 181), in so far as they do not allow same-sex couples to marry and fail to provide any alternative means of legal recognition of same-sex partnerships (such as civil unions or registered partnerships), constitute a violation of Article 22 of the Hong Kong Bill of Rights and Article 25 of the Basic Law of the HKSAR; and/or

3. A declaration that the failure on the part of the Government of the HKSAR to provide a legal framework under the laws of Hong Kong providing for legal recognition of same-sex partnerships constitutes a violation of Article 14 of the Hong Kong Bill of Rights; and/or

4. A declaration that the failure on the part of the Government of the HKSAR to provide a legal framework under the laws of Hong Kong providing for legal recognition of same-sex partnerships constitutes a violation of Article 22 of the Hong Kong Bill of Rights and Article 25 of the Basic Law of the HKSAR; and

5. Such further or other remedy, relief or order as may be just and expedient in the circumstances; and

TAKE NOTICE that an order will also be sought that the costs of and incidental to this application be paid by the Respondent.

THE GROUNDS FOR THE APPLICATION are those set out in the Notice of Application for Leave to Apply for Judicial Review filed on 12 June 2018.

FURTHER TAKE NOTICE that on the hearing of this application, the Applicant will use the Affirmation of MK filed on 12 June 2018 and the exhibits therein referred to.

Dated the 19th day of June 2018.

Bond Ng Solicitors
Solicitors for the Applicant

This summons was taken out by Bond Ng Solicitors, solicitors for the Applicant whose address is at Gaylord Commercial Building, 114 & 118 Lockhart Road, Wanchai, Hong Kong.

To: Government of HKSAR
The Respondent (represented by the Secretary for Justice)
Department of Justice
Civil Division
6th floor, Main Wing,
Justice Place,
18 Lower Albert Road,
Central, Hong Kong

and

Rainbow Action (彩虹行動)
The Interested Party
Room D, 7/F, National Court,
242 Nathan Road, Jordan,
Kowloon, Hong Kong

No. 15

Acknowledgment of Service of Originating Summons –
for all cases other than costs-only proceedings under section 52B
of the High Court Ordinance

(O. 10 r. 5; O. 12 r. 3(1))

Directions for Acknowledgment of Service

1. The accompanying form of ACKNOWLEDGMENT OF SERVICE should be detached and completed by a Solicitor acting on behalf of the Defendant or by the Defendant if acting in person. After completion it must be delivered or sent by post to the Registry of the High Court of the following address: –

LG1, High Court Building, 38 Queensway, Hong Kong.

2. If the only remedy that the Plaintiff is seeking is the payment of a liquidated amount of money or the payment of an unliquidated amount of money, you may admit the Plaintiff's claim in whole or in part by completing Form No. 16 or 16C (as the case may require) accompanying the Originating Summons.

A completed Form No. 16 or 16C must be filed with the Registry of the High Court and served on the Plaintiff [or the Plaintiff's Solicitors] within the period for filing of the Defendant's affidavit evidence.

3. A Defendant who wishes to dispute the jurisdiction of the Court of First Instance in the proceedings or to argue that the Court of First Instance should not exercise its jurisdiction in the proceedings, and wishes to apply to the Court of First Instance for an order staying the proceedings, must give notice of intention to defend the proceedings and make the application within the time limited for service of a defence.

See over for Notes for Guidance

Notes for Guidance

1. Each Defendant (if there are more than one) is required to complete an Acknowledgment of Service and return it to the Registry of the High Court.

[2. For the purpose of calculating the period of 14 days for acknowledging service, an Originating Summons served on the Defendant personally is treated as having been served on the day it was delivered to him and an originating summons served by post or by insertion through the Defendant's letter box is treated as having been served on the seventh day after the date of posting or insertion.]

(*Note*: Not applicable if the Defendant is a company served at its registered office.)

3. Where the Defendant is sued in a name different from his own, the form must be completed by him with the addition in paragraph 1 of the words "sued as (the name stated on the Originating Summons)".

4. Where the Defendant is a FIRM and a Solicitor is not instructed, the form must be completed by a PARTNER by name, with the addition in paragraph 1 of the description "partner in the firm of (...)" after his name.

5. Where the Defendant is sued as an individual TRADING IN A NAME OTHER THAN HIS OWN, the form must be completed by him with the addition in paragraph 1 of the description "trading as (...................................)" after his name.

6. Where the Defendant is a LIMITED COMPANY the form must be completed by a Solicitor or by someone authorized to act on behalf of the Company, but the Company can take no further step in the proceedings without a Solicitor acting on its behalf.

7. Where the Defendant is a MINOR or a MENTAL Patient, the form must be completed by a Solicitor acting for a guardian ad litem.

8. A Defendant acting in person may obtain help in completing the form at the Registry of the High Court.

9. These notes deal only with the more usual cases. In case of difficulty a Defendant in person should refer to paragraph 8 above.

No. 15

HCAL 1077/2018

IN THE HIGH COURT OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION
COURT OF FIRST INSTANCE
CONSTITUTIONAL AND ADMINISTRATIVE LAW LIST NO.1077 OF 2018

BETWEEN

MK	Applicant
and	
GOVERNMENT OF HKSAR	Respondent
RAINBOW ACTION (彩虹行動)	Interested Party

ACKNOWLEDGMENT OF SERVICE
OF ORIGINATING SUMMONS

If you intend to instruct a Solicitor to act for you, give him this form IMMEDIATELY.

Important. Read the accompanying directions and notes for guidance carefully before completing this form. If any information required is omitted or given wrongly, THIS FORM MAY HAVE TO BE RETURNED.

see Notes 1, 3, 4 and 5.

1. State the full name of the Defendant by whom or on whose behalf the service of the Originating Summons is being acknowledged.

2. State whether the Defendant intends to contest the proceedings (tick appropriate box)

☐ yes ☐ no

See Direction 3.

3. If the only remedy that the Plaintiff is seeking is the payment of a liquidated amount of money or the payment of an unliquidated amount of money, state whether the Defendant intends to make an admission (tick appropriate box).

☐ yes ☐ no

If yes, the Defendant may make the admission by completing Form No. 16 or 16C (as the case may require) accompanying the Originating Summons.

Where words appear between square brackets, delete if inapplicable.

Service of the Originating Summons is acknowledged accordingly.

(Signed) [Solicitor] ( )
[Defendant in person]

Address for service

BOND NG SOLICITORS
Solicitors for the Applicant
Room C, 18/F, Gaylord Commercial Building,
114-118 Lockhart Road,
Wan Chai, Hong Kong
Tel: 2608 1400
Fax: 2608 1377
Ref: BN/CI/20108/2018/jl

Notes as to Address for Service

Solicitor. Where the Defendant is represented by a Solicitor, state the Solicitor's place of business in Hong Kong.

Defendant in person. Where the Defendant is acting in person, he must give his residence OR, if he does not reside in Hong Kong, he must give an address in Hong Kong where communications for him should be sent. In the case of a limited company, "residence" (居所) means its registered or principal office.

No. 15

HCAL 1077/2018

IN THE HIGH COURT OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION
COURT OF FIRST INSTANCE
CONSTITUTIONAL AND ADMINISTRATIVE LAW LIST NO.1077 OF 2018

BETWEEN

MK		Applicant
	and	
GOVERNMENT OF HKSAR		Respondent
RAINBOW ACTION (彩虹行動)		Interested Party

ACKNOWLEDGMENT OF SERVICE
OF ORIGINATING SUMMONS

If you intend to instruct a Solicitor to act for you, give him this form IMMEDIATELY.

Important. Read the accompanying directions and notes for guidance carefully before completing this form. If any information required is omitted or given wrongly, THIS FORM MAY HAVE TO BE RETURNED.

---

see Notes 1, 3, 4 and 5.

1. State the full name of the Defendant by whom or on whose behalf the service of the Originating Summons is being acknowledged.

---

2. State whether the Defendant intends to contest the proceedings (tick appropriate box)

☐ yes ☐ no

See Direction 3. 3. If the only remedy that the Plaintiff is seeking is the payment of a liquidated amount of money or the payment of an unliquidated amount of money, state whether the Defendant intends to make an admission (tick appropriate box).

☐ yes ☐ no

If yes, the Defendant may make the admission by completing Form No. 16 or 16C (as the case may require) accompanying the Originating Summons.

Where words appear between square brackets, delete if inapplicable.

Service of the Originating Summons is acknowledged accordingly.

(Signed) [Solicitor] ( )
[Defendant in person]

Address for service

BOND NG SOLICITORS
Solicitors for the Applicant
Room C, 18/F, Gaylord Commercial Building,
114-118 Lockhart Road,
Wan Chai, Hong Kong
Tel: 2608 1400
Fax: 2608 1377
Ref: BN/CI/20108/2018/jl

Notes as to Address for Service

Solicitor. Where the Defendant is represented by a Solicitor, state the Solicitor's place of business in Hong Kong.

Defendant in person. Where the Defendant is acting in person, he must give his residence OR, if he does not reside in Hong Kong, he must give an address in Hong Kong where communications for him should be sent. In the case of a limited company, "residence" (居所) means its registered or principal office.

No. 15

HCAL 1077/2018

IN THE HIGH COURT OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION
COURT OF FIRST INSTANCE
CONSTITUTIONAL AND ADMINISTRATIVE LAW LIST NO.1077 OF 2018

BETWEEN

MK		Applicant
	and	
GOVERNMENT OF HKSAR		Respondent
RAINBOW ACTION (彩虹行動)		Interested Party

ACKNOWLEDGMENT OF SERVICE
OF ORIGINATING SUMMONS

If you intend to instruct a Solicitor to act for you, give him this form IMMEDIATELY.

Important. Read the accompanying directions and notes for guidance carefully before completing this form. If any information required is omitted or given wrongly, THIS FORM MAY HAVE TO BE RETURNED.

---

see Notes 1, 3, 4 and 5.

1. State the full name of the Defendant by whom or on whose behalf the service of the Originating Summons is being acknowledged.

---

2. State whether the Defendant intends to contest the proceedings (tick appropriate box)

☐ yes ☐ no

See Direction 3. 3. If the only remedy that the Plaintiff is seeking is the payment of a liquidated amount of money or the payment of an unliquidated amount of money, state whether the Defendant intends to make an admission (tick appropriate box).

☐ yes ☐ no

If yes, the Defendant may make the admission by completing Form No. 16 or 16C (as the case may require) accompanying the Originating Summons.

Where words appear between square brackets, delete if inapplicable.

Service of the Originating Summons is acknowledged accordingly.

(Signed) [Solicitor] ( )
[Defendant in person]

Address for service

BOND NG SOLICITORS
Solicitors for the Applicant
Room C, 18/F, Gaylord Commercial Building,
114-118 Lockhart Road,
Wan Chai, Hong Kong
Tel: 2608 1400
Fax: 2608 1377
Ref: BN/CI/20108/2018/jl

Notes as to Address for Service

Solicitor. Where the Defendant is represented by a Solicitor, state the Solicitor's place of business in Hong Kong.

Defendant in person. Where the Defendant is acting in person, he must give his residence OR, if he does not reside in Hong Kong, he must give an address in Hong Kong where communications for him should be sent. In the case of a limited company, "residence" (居所) means its registered or principal office.

HCAL 1077/2018

IN THE HIGH COURT OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION
COURT OF FIRST INSTANCE
CONSTITUTIONAL AND ADMINISTRATIVE LAW LIST
NO 1077 OF 2018

BETWEEN

MK	Applicant
and	
GOVERNMENT OF HKSAR	Respondent
and	
RAINBOW ACTION (彩虹行動)	Interested Party

ORIGINATING SUMMONS

Dated the 19th day of June 2018.
Filed on the 19th day of June 2018.

Bond Ng Solicitors
Solicitors for the Applicant
Room C, 18/F,
Gaylord Commercial Building,
114 & 118 Lockhart Road,
Wanchai, Hong Kong
Tel: 2608 1400 Fax: 2608 1377
Ref: BN/CI/20108/2018/jl